Remarks

In response to the Office Action dated February 5, 2009, Applicant respectfully requests reconsideration based on the above claim amendments and the following remarks. Claims 1, 8 and 15 have been amended. Claim 16 has been cancelled without prejudice or disclaimer.

Interview Summary

A telephone interview was conducted on April 16, 2009, between Examiners Antonienko and Mooneyham and the undersigned. During the interview it was discussed that McDonald failed to describe a specific combination of network elements that were identified to address a particular issue and that such a feature was not implied by the cited references. No agreement was reached on this point. The 101 rejection was also discussed in regards to the claims allegedly failing to recite statutory subject matter.

101 Rejections

Claims 1-2, 6-8 and 12-14 stand rejected under 35 U.S.C. §101 because the claimed invention is allegedly directed to non-statutory subject matter. However, independent claims 1 and 8 have been rewritten and now include recitations to a computing device. Claims 1-2, 6-7 and 12-14 depend from either claim 1 or 8. Therefore, claims 1-2, 6-8 and 12-14 are directed to statutory subject matter, and Applicant respectfully requests the withdrawal of the 101 rejection.

112 Rejections

Claim 16 stands rejected under 35 USC 112, second paragraph, for lacking proper antecedent basis. The claim has been cancelled without prejudice or disclaimer and thus the rejection is moot.

103 Rejections

Claims 1-2, 6-8, 12-14 and 16-20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Glynn (U.S. Pat. 6,658,192 B2) in view of McDonald (U.S. Pat. 6,704,030 B1). Claim 15 stands rejected under 35 U.S.C. 103(a) as being unpatentable

over Glynn. Applicant respectfully traverses the rejections to the extent that they apply to the currently pending claims.

Claims 1-7

Applicants respectfully submit that the combination of Glynn and McDonald fail to describe each and every feature recited by claim 1. For example, claim 1 recites, "the computing device creating the span design by selecting the one or more segment templates that address the one or more problems identified for the span design for the order."

Glynn describes an apparatus and process for managing a telecommunication infrastructure. Glynn further describes a system that determines, orders, coordinates and manages the physical components necessary to construct a physical fiber infrastructure. Glynn, however, fails to describe any use of templates by the system. It follows that Glynn also fails to describe a computing device creating the span design by selecting the one or more segment templates that address the one or more problems identified for the span design for the order as recited by claim 1.

McDonald describes a method and apparatus for provisioning telecommunication equipment. McDonald further describes that, "graphical interconnectivity information may be employed to indicate to a craft worker existing provisioned paths and possible provisioning schemes," and that "graphical representations may take the form of templates." (col. 2, lines 45-49) The templates described by McDonald provide visual cues regarding network provisioning to a user and nothing more than a visual cue (col. 1 lines 53-54). McDonald also describes that a wizard may be employed to step a user from one template to another.

In contrast to McDonald, claim 1 recites that a computing device creates the span design by selecting the one or more segment templates that address the one or more problems identified for the span design for the order. McDonald recites that the templates can provide a visual cue, i.e. a visual aid, regarding network provisioning to a craftworker. However, McDonald requires the craftworker to make the template selection. McDonald fails to describe that a computing device selects one or more

templates that address the one or more problems identified for the span design as recited by claim 1.

Therefore, the combination of Glynn and McDonald fails to describe each and every feature of claim 1 such that claim 1 is allowable over the combination of Glynn and McDonald. Claims 2 and 6-7 depend from claim 1 and are allowable over the combination of Glynn and McDonald for at least the same reasons as claim 1.

Claims 8-14

Applicants respectfully submit that the combination of Glynn and McDonald fail to describe each and every feature recited by claim 8. For example, claim 8 recites, "the computing device using order data to select one or more of the templates as a span design for the order."

Glynn describes an apparatus and process for managing a telecommunication infrastructure. Glynn further describes a system that determines, orders, coordinates and manages the physical components necessary to construct a physical fiber infrastructure. Glynn, however, fails to describe any use of templates by the system. It follows that Glynn also fails to describe a computing device using order data to select one or more templates as a span design for the order as recited by claim 8.

McDonald describes a method and apparatus for provisioning telecommunication equipment. McDonald further describes that, "graphical interconnectivity information may be employed to indicate to a craft worker existing provisioned paths and possible provisioning schemes," and that "graphical representations may take the form of templates." (col. 2, lines 45-49) The templates described by McDonald provide visual cues regarding network provisioning to a user and nothing more than a visual cue (col. 1 lines 53-54). McDonald also describes that a wizard may be employed to step a user from one template to another.

In contrast to McDonald, claim 8 recites a computing device using order data to select one or more templates as a span design for the order. McDonald recites that the templates can provide a visual cue, i.e. a visual aid, regarding network provisioning to a craftworker. However, McDonald still requires the craftworker to apply those visual cues

with further analysis to select any particular template. McDonald fails to describe that a computing device selects the templates by using order data as recited by claim 8.

Therefore, the combination of Glynn and McDonald fail to describe this additional feature recited by claim 8 such that claim 8 is allowable over the combination of Glynn and McDonald for this additional reason. Claims 12-14 depend from claim 8 and are allowable over the combination of Glynn and McDonald for at least the same reasons as claim 8.

Claims 15-20

Applicants respectfully submit that the combination of Glynn and McDonald fail to describe each and every feature recited by claim 15. For example, claim 15 recites, "the main server ... to create the span design ... by selecting one or more templates ... the selection of one or more templates based on one or more problems of the span design ... corresponding to the one or more problems that the template was created to address."

Glynn describes an apparatus and process for managing a telecommunication infrastructure. Glynn further describes a system that determines, orders, coordinates and manages the physical components necessary to construct a physical fiber infrastructure. Glynn, however, fails to describe any use of templates by the system. It follows that Glynn also fails to describe a main server creating the span design by selecting one or more templates based on one or more problems of the span design corresponding to one or more problems that the template was created to address as recited by claim 15.

McDonald describes a method and apparatus for provisioning telecommunication equipment. McDonald further describes that, "graphical interconnectivity information may be employed to indicate to a craft worker existing provisioned paths and possible provisioning schemes," and that "graphical representations may take the form of templates." (col. 2, lines 45-49) The templates described by McDonald provide visual cues regarding network provisioning to a user and nothing more than a visual cue (col. 1 lines 53-54). McDonald also describes that a wizard may be employed to step a user from one template to another.

In contrast to McDonald, claim 15 recites that the main server creates the span design by selecting one or more templates based on one or more problems of the span

design corresponding to one or more problems that the template was created to address. McDonald only recites that the templates can provide a visual cue, i.e. a visual aid, regarding network provisioning to a craftworker. McDonald still requires the craftworker to apply those visual cues with further analysis to select any particular template. McDonald fails to describe that a server selects one or more templates based on one or more problems of the span design corresponding to the one or more problems that the template was created to address as recited by claim 15.

Therefore, the combination of Glynn and McDonald fail to describe this additional feature recited by claim 15 such that claim 15 is allowable over the combination of Glynn and McDonald for this additional reason. Claims 16-20 depend from claim 15 and are allowable over the combination of Glynn and McDonald for at least the same reasons as claim 15.

Conclusion

Applicants assert that the application including claims 1-2, 6-8, 12-15 and 17-20 are in condition for allowance. Applicant requests reconsideration in view of the amendments and remarks above and further requests that a Notice of Allowability be provided. Should the Examiner have any questions, please contact the undersigned.

No fees are believed due. However, please charge any additional fees or credit any overpayment to Deposit Account No. 50-3025.

Respectfully submitted,

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